

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

CLAYTON HAWKINS

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Case No. 4:05cr198
(Judge Schneider)

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on September 17, 2012, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Randall Blake.

On July 18, 2006, Defendant was sentenced by the Honorable Michael H. Schneider to forty (40) months' custody followed by five (5) years of supervised release for the offense of Conspiracy to Manufacture, Distribute or Posses with Intent to Manufacture, Distribute or Dispense Methamphetamine. On December 15, 2008, Defendant completed his period of imprisonment and began service of his supervised term.

On July 13, 2012, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated various mandatory, standard, and special conditions. Violation allegations one, two, five, six, and seven were dismissed by the Government. The petition also alleged violation of the following additional mandatory condition: The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment or placement on probation and at least two periodic drug tests thereafter, as determined by the court. The petition also alleged

violation of the following additional standard condition: The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance, or any paraphernalia related to any controlled substances, except as prescribed by a physician.

The petition alleges that Defendant committed the following acts with regard to the remaining violations: On June 20, 2011, Defendant submitted a urine specimen that tested positive for methamphetamine.

Prior to the Government putting on its case, Defendant entered a plea of true to the remaining violations.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eighteen (18) months with no supervised release to follow. It is also recommended that Defendant be housed in the Bureau of Prisons, Texarkana Unit. It is also recommended that Defendant be placed in the 500-hour drug treatment program.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 18th day of September, 2012.


AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE